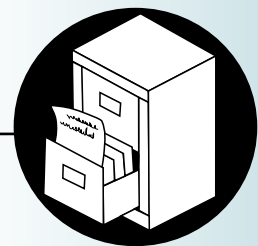


# Employee Medical and Exposure Records



**Chapter 296-802 WAC**

**August 2004 Edition**

**Washington Industrial  
Safety & Health Act**

# **Standards Update to**

## **Chapter 296-802 WAC, Employee Medical and Exposure Records**

Issue Date 7/2004  
Effective Date 8/1/2004

The Department of Labor and Industries has rewritten and reorganized for clarity and ease of use the safety standards for access to records. The access to records rules, in WAC 296-62-052 were rewritten and adopted as chapter 296-802 WAC. **Please discard WAC 296-62-052.**

To receive future updates of this standard and all other Department of Labor and Industries safety and health standards electronically, please sign up on the WISHA Listserv (<http://www.lni.wa.gov/wisha/>). By subscribing to the Listserv, you will also receive rule updates, hearing notices, and informational packets for all safety and health rules.

Also available on the WISHA web site:

- WISHA Core Rules
- Other General WISHA Rules
- Industry and Task-specific Rules
- Proposed rules and hearings
- Newly adopted rules and new rule information
- WISHA Regional Directives (WRDs)
- WISHA Interim Operations and Interpretive Memoranda (WIIM)
- Memoranda of Understanding (MOU)

To receive hardcopy updates of this rule, please return the card located at the back of the book.

# Employee Medical and Exposure Records

Chapter 296-802 WAC

## Other Rules that may apply to your workplace

- The WISHA Safety and Health Core Rules, Chapter 296-800 WAC, contain the basic requirements that apply to most employers in Washington. They also contain:
  - An Introduction that lists important information you should know, including a section on building, fire and electrical codes.
  - A Resource section that includes a complete list of all WISHA rules and a directory of the Labor and Industries (L&I) offices.
- Other WISHA rules may apply to you, depending on the activities and operations of your workplace. Also, see the Scope of this rule for specific rules that apply to medical and exposure records. Contact your local L&I office if you're uncertain about which WISHA requirements apply to you.
- To go online to access all the Safety and Health Rules: <http://www.lni.wa.gov/wisha>
- If you would like to receive e-mail notification of rule updates, please register for the Standards Listserv on the WISHA web site at <http://www.lni.wa.gov/home/listservs.htm>
- For a CD or paper copy contact us by:

Mail: Department of Labor and Industries  
P.O. Box 44620  
Olympia, WA 98504-4620

Telephone: 1-800-4BE-SAFE (1-800-423-7233)



# Employee Medical and Exposure Records

Chapter 296-802 WAC

## Quick Reference

WAC Number	Title of Rule	Page
296-802-100	Scope.....	100-1
296-802-200	Keep Employee Medical and Exposure Records..	200-1
296-802-300	Inform Employees about Records .....	300-1
296-802-400	Provide Employees Access to Records and Analyses .....	400-1
296-802-500	Respond to Medical Record Access Orders.....	500-1
296-802-600	Transfer and Disposal of Employee Records .....	600-1
296-802-900	Definitions .....	900-1
	Resources.....	R-1
	Index .....	IN-1
	Statutory Authority .....	SA-1



# Employee Medical and Exposure Records

Chapter 296-802 WAC

## Contents

296-802-100	Scope.....	100-1
296-802-200	Keep Employee Medical and Exposure Records .....	200-1
296-802-20005	Keep employee medical records.....	200-2
296-802-20010	Keep employee exposure records .....	200-3
296-802-20015	Keep analyses of medical or exposure records .....	200-4
296-802-300	Inform Employees about Records .....	300-1
296-802-30005	Inform current employees about their medical and exposure records.....	300-2
296-802-400	Provide Employees Access to Records and Analyses.....	400-1
296-802-40005	Provide access to employee medical records, exposure records, and analyses .....	400-2
296-802-40010	Provide employee medical records .....	400-4
296-802-40015	Provide employee exposure records.....	400-6
296-802-500	Respond to Medical Record Access Orders.....	500-1
296-802-50005	Respond to WISHA access orders for employee medical records.....	500-2
296-802-50010	Content of WISHA written access orders.....	500-3
296-802-600	Transfer and Disposal of Employee Records .....	600-1
296-802-60005	Transfer or dispose of employee medical and exposure records when you go out of business.....	600-2

-Continued-

# Employee Medical and Exposure Records

Chapter 296-802 WAC

## Contents

296-802-900	Definitions .....	900-1
	Resources .....	R-1
	Helpful Tools	
	Record Retention .....	R-3
	Authorization Letter for Release of Medical Information .....	R-5
	Index.....	IN-1
	Statutory Authority .....	SA-1



# Employee Medical and Exposure Records

Chapter 296-802 WAC

## Contents

# Employee Medical and Exposure Records

WAC 296-802-100

## Scope

Scope



The purpose of this chapter is to provide employees and their designated representatives the right to access relevant medical and exposure records. It also describes the procedures WISHA will follow when accessing confidential medical information.

### This chapter applies to:

- All employers who make, maintain, contract for, or have access to records relating to employee exposure to toxic substances or harmful physical agents, whether or not they are required by specific occupational safety and health rules. These records include:
  - Employee medical records
  - Employee exposure records
  - Analyses of employee medical or exposure records.

### IMPORTANT:

- The requirements of this chapter don't affect any other legal and ethical obligations the employer has to keep employee medical information confidential.



#### Exemption:

Agricultural operations covered by chapter 296-307 WAC, Safety Standards for Agriculture, are exempt from the requirements of this chapter.



#### Reference:

- Requirements for material safety data sheets are found in WAC 296-800-180, Material Safety Data Sheets (MSDSs) as Exposure Records.
- Additional information about accessing medical information can be found in chapter 70.02 RCW, Medical Record--Health Care Information Access and Disclosure.

# Notes

---

# Keep Employee Medical and Exposure Records

WAC 296-802-200

## Summary

### YOUR RESPONSIBILITY:

**To keep employee medical records, exposure records, and analyses**

### IMPORTANT:

- Physicians or other health care personnel may keep medical records for you.
- You may keep information in any form as long as the information is retrievable.
- Unless a specific occupational safety and health rule provides a different time period, you must keep records for the period required by this chapter.

### You must

Keep employee medical records WAC 296-802-20005 .....	200-2
Keep employee exposure records WAC 296-802-20010 .....	200-3
Keep analyses of medical or exposure records WAC 296-802-20015 .....	200-4



# Keep Employee Medical and Exposure Records

WAC 296-802-200

## Rule

WAC 296-802-20005

### Keep employee medical records

#### You must

- Keep medical records for at least as long as the employee works for you plus 30 years.



#### Exemption:

- If an employee works for you for less than **one** year and you provide the records to them when they leave employment, you don't have to keep their medical records.
- You don't have to keep the following records for any specific period:
  - Health insurance claims records maintained separately from your medical program and records
  - Records of first-aid treatment, if made on-site by a nonphysician and if kept separately from the employee medical record.

#### You must

- Keep chest x-ray films in their original state, such as film or electronic image.



# Keep Employee Medical and Exposure Records

WAC 296-802-200

WAC 296-802-20010

Rule

## Keep employee exposure records

### IMPORTANT:

You don't need to keep employee exposure records for exposure to toxic substances when they are:

- Purchased as a consumer product  
**and**
- Used in the same manner and frequency that a consumer would use them.

### You must

- Keep employee exposure records for at least 30 years from the date the exposure record was made. These records include the following:
  - The sampling results
  - The collection methodology (sampling plan)
  - A description of the analytical and mathematical methods used
  - Background data to environmental monitoring or measuring, such as laboratory reports and work sheets.



#### Note:

- You don't have to keep the actual background data for more than one year if you keep a summary of the data for 30 years.



-Continued-

# Keep Employee Medical and Exposure Records

WAC 296-802-200

## Rule

### WAC 296-802-20010 (Continued)

#### You must

- Keep a record, for at least 30 years, of the identity of any toxic substance used in your workplace. Include:
  - Where the substance was used
  - When the substance was used.



#### Note:

The identity may be retained either as part of the exposure record or as a separate record.



#### Helpful Tool:

##### Record Retention

This helpful tool provides a list of other WISHA rules that require medical or exposure records and their retention periods. You can find a copy in the Resources section of this chapter.

### WAC 296-802-20015

#### Keep analyses of medical or exposure records

#### You must

- Keep each analysis using medical or exposure records for at least 30 years.



# Inform Employees about Records

WAC 296-802-300

## Summary

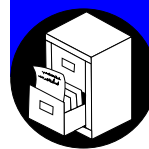
### YOUR RESPONSIBILITY:

**To inform current employees about their medical and exposure records**

### You must

Inform current employees about their medical and exposure records  
WAC 296-802-30005 ..... 300-2

Inform Employees  
about Records





# Inform Employees about Records

WAC 296-802-300

## Rule

**WAC 296-802-30005**

### **Inform current employees about their medical and exposure records**

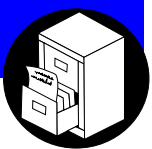
#### **You must**

- Inform employees covered by this rule about medical and exposure records when they first start employment, and then at least annually. Include the following information:
  - Where the records are located
  - Who is responsible for the records
  - Who to contact for access to the records
  - Their rights to copy the records.
- Make copies of this rule available upon request to employees.
- Distribute to your employees any information about this chapter that you are given by the department.



#### **Note:**

Some of the ways to inform employees that you have medical and exposure records include e-mail, letters, posters, or classroom training.



# Provide Employees Access to Records and Analyses

WAC 296-802-400

## Summary

### YOUR RESPONSIBILITY:

**To provide employees access to records and analyses**

### IMPORTANT:

- Employees or their designated representatives can use the collective bargaining process to gain access to records beyond what is required by this chapter.
- The requirements of this section apply to both current and former employees.

### You must

Provide access to employee medical records, exposure records, and analyses

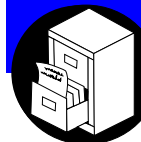
WAC 296-802-40005 ..... 400-2

Provide employee medical records

WAC 296-802-40010 ..... 400-4

Provide employee exposure records

WAC 296-802-40015 ..... 400-6



# Provide Employees Access to Records and Analyses

WAC 296-802-400

## Rule

WAC 296-802-40005

**Provide access to employee medical records, exposure records, and analyses**

### You must

- Provide employees and their designated representatives access to requested records and analyses as follows:
  - In a reasonable time, place, and manner
  - Within 15 working days.
    - If there's a delay, inform the requesting party of the reason and the earliest date the record will be made available.



#### Exemption:

You don't have to provide analyses that are currently being worked on or haven't been reported to you.

### You must

- Provide a copy of the record, when requested, to the employee or designated representative without cost. This may be done by one of the following methods:
  - Make a copy for the requestor
  - Make the record and a copier available
  - Loan the record to the employee or designated representative for a reasonable time, so a copy can be made.

-Continued-

# Provide Employees Access to Records and Analyses

WAC 296-802-400

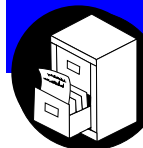
## Rule

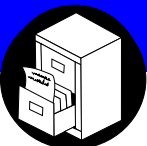
### WAC 296-802-40005 (Continued)



#### Note:

- Access to employee medical records will be provided to designated representatives only when the employee provides specific written authorization. See WAC 296-802-40010.
- To locate or identify the records being requested, you may request, from employees or designated representatives, only known and necessary information. For example, you may request dates and location of where the employee worked during the time period in question
- You aren't required to perform an analysis of medical or exposure records at the request of an employee or designated representative
- When there is an original x-ray you may restrict access to an on-site examination or make other arrangements for a temporary loan
- When a record has been provided without cost to an employee or designated representative, and they request additional copies, you may charge a reasonable, nondiscriminatory administrative cost. For example, you may charge search and copying expenses but not overhead expenses.
  - A reasonable fee for copying, as defined in chapter 70.02 RCW, shouldn't exceed 65 cents per page for the first 30 pages and 15 cents per page for all additional pages. In addition, a clerical fee for searching and handling may be charged not to exceed 15 dollars.





# Provide Employees Access to Records and Analyses

WAC 296-802-400

## Rule

WAC 296-802-40010

### Provide employee medical records

#### You must

- Make sure employees have access, upon request, to their own medical records.



#### Note:

- A physician, nurse, or other responsible health care professional who maintains employee medical records may delete from requested medical records the identity of individuals who provided confidential information regarding an employee's health status.
- If a physician represents you and believes that providing an employee access to their specific diagnosis of a terminal illness or psychiatric condition could harm the employee, they may request that the record be released only to a designated representative having specific written authorization
- The physician representing you may recommend that the employee or designated representative do one of the following:
  - Consult with the physician to review and discuss requested records
  - Accept a summary of facts and opinions instead of requested records
  - Accept the release of requested records only to another physician or designated representative.

-Continued-

# Provide Employees Access to Records and Analyses

WAC 296-802-400

## Rule

### WAC 296-802-40010 (Continued)

#### You must

- Make sure that individual employees aren't identified in any portion of analyses that report the contents of employee medical records.
  - Identifying information includes both direct identifiers such as name, address, Social Security number, and payroll number, and other information that could reasonably be used in the circumstances to identify individual employees such as exact age, height, or weight.



#### Note:

If it isn't feasible to remove personal identifying information from a document, you don't have to provide the portions where personal identifiers can't be moved.

#### You must

- Provide designated representatives access to employee medical records when the employee provides specific written authorization.
  - If the written authorization doesn't contain an expiration date, it expires 90 days after it's signed.
  - Release only medical information that exists on the date of the written employee consent, unless the consent specifically states that future information may be released.



#### Note:

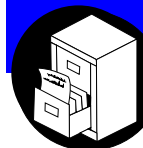
An employee may revoke the specific written authorization in writing at any time.

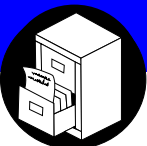


#### Helpful tool:

##### Release of medical information

You can find a sample written authorization for release of medical information in the Resources section of this chapter.





# Provide Employees Access to Records and Analyses

WAC 296-802-400

## Rule

WAC 296-802-40015

### Provide employee exposure records

#### You must

- Provide requested exposure records that show the type and amount of toxic substances or harmful physical agents to which the employee is or has been exposed, for an employee's current or transfer work assignment.
  - In the absence of records specific to the employee, exposure records of other employees with the same job duties or related working conditions will be used to the extent necessary to respond to the request.
- Provide a designated representative, who doesn't have specific employee consent, access to employee exposure records only when a reasonable written request is made that includes the following:
  - The records requested
  - The occupational health need for accessing these records.



#### Note:

Trade secret information may be withheld from exposure records. See chapter 296-816 WAC, Protecting Trade Secrets, for more information.

# Respond to Medical Record Access Orders

WAC 296-802-500

## Summary

### YOUR RESPONSIBILITY:

To post written WISHA access orders

### IMPORTANT:

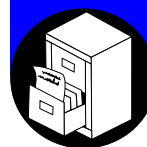
This section describes how WISHA accesses employee medical records and your related rights and obligations.

### You must

Respond to WISHA access orders for employee medical records  
WAC 296-802-50005 ..... 500-2

Content of WISHA written access orders  
WAC 296-802-50010 ..... 500-3

Medical Record  
Access Orders





# Respond to Medical Record Access Orders

WAC 296-802-500

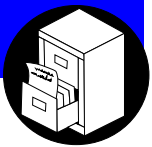
## Rule

WAC 296-802-50005

**Respond to WISHA access orders for employee medical records**

### You must

- Promptly respond to a written access order you receive from WISHA for personally identifiable employee medical information.
- Post a copy of the cover letter you receive from WISHA for 15 working days where employees can easily review it.



# Respond to Medical Record Access Orders

WAC 296-802-500

## Rule

### WAC 296-802-50010

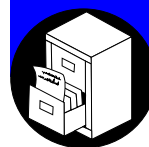
#### Content of WISHA written access orders

A written access order from WISHA will contain at least the following information:

- The identity of employees whose medical information is being requested.
  - This may be either by name, job classification, time clock number, department, or similar identifier.
- A description of the medical information that will be examined.
- The purpose for seeking access to this medical information.
  - Any additional evidence supporting access to the medical information.
- A step-by step description of how the records will be obtained, copied, reviewed, and stored, specifying the following:
  - Who will be in charge of on-site review of the records, or who will take possession of the records for off-site review
  - Where the records will be reviewed
  - When review or receipt of the records is to take place
  - If the records are to be reviewed on-site, what type of information will be copied and removed off-site.
- How personal identifiers will be separated from the medical information and how long this information will be kept
- The principal WISHA investigator's full name, business address and telephone number
- The full names and titles of all individuals that will review the records
- The WISHA industrial hygiene program manager's full name, business address and telephone number.

**-Continued-**

Medical Record  
Access Orders



# Respond to Medical Record Access Orders

WAC 296-802-500

## Rule

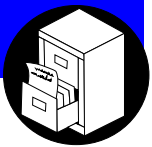
### WAC 296-802-50010 (Continued)



**Note:**

WISHA doesn't need a written access order for the following types of employee medical records:

- Medical records and analyses that don't contain personal identification information
- Examination of records to verify compliance with the medical surveillance requirements of another occupational health and safety rule
- The following records when required by another occupational health and safety rule:
  - Medical opinions
  - Biological monitoring results.
  - Results of medical examinations and laboratory tests.



# Transfer and Disposal of Employee Records

WAC 296-802-600

## Summary

### YOUR RESPONSIBILITY:

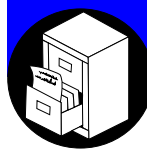
**To transfer or dispose of employee medical and exposure records  
when you go out of business**

### You must

Transfer or dispose of employee medical and exposure records when you  
go out of business

WAC 296-802-60005 ..... 600-2

Transfer and  
Disposal of  
Employee Records



# Transfer and Disposal of Employee Records

WAC 296-802-600

## Rule

WAC 296-802-60005

**Transfer or dispose of employee medical and exposure records when you go out of business**

### You must

- Follow the requirements of Table 1 when transferring or disposing of records.

**Table 1**  
**Transfer or Disposal of Records**

If	Then
Another employer continues the business when you go out of business	Transfer all employee records to that employer.
No other employer continues the business when you go out of business	Do the following: <ul style="list-style-type: none"><li>- Notify affected current employees of their rights of access to records at least 3 months prior to the termination of your business.</li></ul> <b>and either:</b> <ul style="list-style-type: none"><li>- Notify WISHA in writing of your impending decision to dispose of records at least 3 months prior to your planned disposal.</li></ul> <b>or</b> <ul style="list-style-type: none"><li>- Transfer the records to WISHA, if required by a specific WISHA safety and health rule</li></ul>
You intend to dispose of records after the retention period has expired  <b>Note:</b> If you dispose of records on a regular basis, you may notify WISHA once annually, at least 3 months before your first disposal, with the schedule of your planned disposals for the year.	Do the following: <ul style="list-style-type: none"><li>- Notify WISHA in writing of your impending decision to dispose of records at least 3 months prior to your planned disposal.</li></ul> <b>or</b> <ul style="list-style-type: none"><li>- Transfer the records to WISHA, if required by a specific WISHA safety and health rule</li></ul>



#### Note:

The address to notify WISHA in writing is:  
Department of Labor and Industries/WISHA Services  
Attention: Medical Records  
P.O. Box 44610  
Olympia, WA 98504-4610

# Employee Medical and Exposure Records

WAC 296-802-900

## Definitions



### Access

The right and opportunity to examine and copy and employee record.

### Analysis using exposure or medical records

Any collection of data or a statistical study based on either:

- Information from individual employee exposure or medical records

**or**

- Information collected from health insurance claim records.

### Designated representative

- Any individual or organization to which an employee gives written authorization
- A recognized or certified collective bargaining agent without regard to written employee authorization
- The legal representative of a deceased or legally incapacitated employee.

### Employee exposure record

Means a record containing any of the following kinds of information:

- Environmental (workplace) monitoring or measuring of a toxic substance or harmful physical agent, including personal, area, grab, wipe, or other form of sampling, as well as related collection and analytical methodologies, calculations, and other background data relevant to interpretation of the results obtained.
- Biological monitoring results which directly assess the absorption of a toxic substance or harmful physical agent by body systems (such as the level of a chemical in the blood, urine, breath, hair, or fingernails) but not including results which assess the biological effect of a substance or agent or which assess an employee's use of alcohol or drugs.

**-Continued-**



# Employee Medical and Exposure Records

WAC 296-802-900

## Definitions

### WAC 296-802-900 (Continued)

- Materials safety data sheets indicating that the material may pose a hazard to human health;  
**or**

- In the absence of the above:

A chemical inventory of any other record that reveals where and when used and the identity (e.g., chemical, common or trade name) of a toxic substance or harmful physical agent.

Exposure records of other employees with past or present job duties or related working conditions.

### Employee medical record

A record containing the health status of an employee which is made or maintained by a physician, nurse, or other health care personnel, or technician, including:

- Medical and employment questionnaires or histories (including job description and occupational exposures).
- The results of medical examinations (preemployment, preassignment, periodic, or episodic) and laboratory tests (including chest and other x-ray examinations taken for purposes of establishing a baseline or detecting occupational illness, and all biological monitoring not defined as an "employee exposure record").
- Medical opinions, diagnoses, progress notes, and recommendations.
- First-aid records.
- Descriptions of treatments and prescriptions.
- Employee medical complaints.

**-Continued-**

# Employee Medical and Exposure Records

WAC 296-802-900

## Definitions



### WAC 296-802-900 (Continued)

An employee medical record does **not** include any of these types of medical information:

- Physical specimens (for example, blood or urine samples), which are routinely discarded as a part of normal medical practice.
- Records concerning health insurance claims if maintained separately from the employer's medical program and its records, and not accessible to the employer by employee name or other direct personal identifier, such as Social Security number, or payroll number.
- Records created solely in preparation for litigation that are privileged from discovery under applicable rules of procedure or evidence.
- Records concerning voluntary employee assistance programs, such as alcohol, drug abuse, or personal counseling programs, if maintained separately from the employer's medical program and records.

### Exposure or exposed

The contact an employee has with a toxic substance, harmful physical agent or oxygen deficient condition. Exposure can occur through various routes, such as inhalation, ingestion, skin contact, or skin absorption.

### First aid

Any of the following are considered first aid:

- Using a nonprescription medication at nonprescription strength
- Administering tetanus immunizations. Other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment
- Cleaning, flushing or soaking wounds on the surface of the skin
- Using wound coverings such as bandages, Band-Aids™, or gauze pads

**-Continued-**





# Employee Medical and Exposure Records

WAC 296-802-900

## Definitions

### WAC 296-802-900 (Continued)

- Using butterfly bandages or Steri-Strips™
- Using hot or cold therapy
- Using any nonrigid means of support, such as elastic bandages, wraps, or nonrigid back belts
- Using temporary immobilization devices, such as splints, slings, neck collars, or back boards, while transporting and accident victim.
- Drilling a fingernail or toenail to relieve pressure
- Draining fluid from a blister
- Using eye patches
- Removing foreign bodies from the eye using only irrigation or a cotton swab.
- Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means
- Using finger guards
- Using massages
- Drinking fluids for relief of heat stress.

**-Continued-**

# Employee Medical and Exposure Records

WAC 296-802-900

## Definitions



### WAC 296-802-900 (Continued)

#### Harmful physical agent

Any physical stress such as noise, vibration, repetitive motion, heat, cold, ionizing and nonionizing radiation, and hypo- or hyperbaric pressure which:

- Is listed in the latest edition of the National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS)  
**or**
- Has shown positive evidence of an acute or chronic health hazard in testing conducted by, or known to, the employer  
**or**
- Is the subject of a material safety data sheet kept by or known to the employer showing that the material may pose a hazard to human health.

#### Health professional

A physician, occupational health nurse, industrial hygienist, toxicologist, or epidemiologist, who provides medical or other occupational health services to exposed employees.

#### Record

Any item, collection, or grouping of information. Examples include:

- Paper document
- Microfiche
- Microfilm
- X-ray film
- Computer record.

**-Continued-**



# Employee Medical and Exposure Records

WAC 296-802-900

## Definitions

### WAC 296-802-900 (Continued)

#### Specific chemical identity

Any other information that reveals the precise chemical designation of the substance, such as:

- Chemical name

**or**

- Chemical abstracts service (CAS) registry number.

#### Specific written authorization

A written authorization containing at least the following:

- The name and signature of the employee authorizing the release of medical information
- The date of the written authorization
- The name of the individual or organization that is authorized to release the medical information
- The name of the designated representative (individual or organization) that is authorized to receive the information
- A general description of the medical information that is authorized to be released
- A general description of the purpose for the release of the medical information
- A date or condition upon which the written authorization will expire.

**-Continued-**

# Employee Medical and Exposure Records

WAC 296-802-900

## Definitions



### WAC 296-802-900 (Continued)

#### Toxic substance

Any chemical substance or biological agent, such as bacteria, virus, and fungus, which is any of the following:

- Listed in the latest edition of the National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS)
- Shows positive evidence of an acute or chronic health hazard in testing conducted by, or known to, the employer
- The subject of a material safety data sheet kept by or known to the employer showing the material may pose a hazard to human health.

#### Trade secrets

Any confidential information that is used in an employer's business and gives an opportunity to gain an advantage over competitors who don't know or use it. It can be a:

- Formula
- Pattern
- Process
- Device
- Information
- Collection of information.

# Notes

---

# Employee Medical and Exposure Records

Chapter 296-802 WAC

## Resources

### HELPFUL TOOLS

Record Retention .....	R-3
Authorization Letter for Release of Medical Information .....	R-5





# Record Retention

Use with Employee Medical and Exposure Records, Chapter 296-802 WAC

This helpful tool provides a list of other WISHA rules that require medical surveillance along with retention information.

Standard	WAC	Record Retention Requirements	
		Exposure Records	Medical records
Acrylonitrile	296-62-07336	At least 40 years or the duration of employment plus 20 years, whichever is longer	At least 40 years or the duration of employment plus 20 years, whichever is longer
Arsenic (Inorganic)	296-62-07347	At least 40 years or the duration of employment plus 20 years, whichever is longer	At least 40 years or the duration of employment plus 20 years, whichever is longer
Asbestos	296-62-077	Duration of employment plus 30 years	Duration of employment plus 30 years
Benzene	296-62-07523	Duration of employment plus 30 years.	Duration of employment plus 30 years
Bloodborne Pathogens	296-823	Duration of employment plus 30 years	Duration of employment plus 30 years
1,3-Butadiene	296-62-07460	At least 30 years	Duration of employment plus 30 years
Cadmium (Construction)	296-155-174	At least 30 years	Duration of employment plus 30 years
Cadmium (General Industry)	296-62-074	At least 30 years	Duration of employment plus 30 years
Carcinogens	296-62-073	At least 30 years	Duration of employment
Coke Ovens	296-62-20023	At least 40 years or the duration of employment plus 20 years, whichever is longer	At least 40 years or the duration of employment plus 20 years, whichever is longer
Commercial Diving	296-37-525		5 years
Compressed Air Work	296-36	At least 30 years	Duration of employment plus 30 years

-Continued-





# Record Retention

Use with Employee Medical and Exposure Records, Chapter 296-802 WAC

## Record Retention (Continued)

Standard	WAC	Record Retention Requirements	
		Exposure Records	Medical records
Cotton Dust	296-62-14533	At least 20 years	At least 20 years
1,2-Dibromo-3-chloropropane	296-62-07342	At least 40 years or the duration of employment plus 20 years, whichever is longer	At least 40 years or the duration of employment plus 20 years, whichever is longer
Ethylene Oxide	296-62-07355	At least 30 years	Duration of employment plus 30 years
Formaldehyde	296-62-07540	At least 30 years	Duration of employment plus 30 years
HAZWOPER	296-62-300	At least 30 years	Duration of employment plus 30 years.
Hazardous Chemicals in Labs	296-62-400	At least 30 years	Duration of employment plus 30 years
Emergency Response	296-824	At least 30 years	Duration of employment plus 30 years
Hearing Conservation	296-817	At least two years	Duration of employment
Lead (Construction)	296-155-176	At least 30 years	Duration of employment plus 30 years
Lead (General Industry)	296-62-07521	At least 40 years or the duration of employment plus 20 years, whichever is longer	At least 40 years or the duration of employment plus 20 years, whichever is longer
Methylene Chloride	296-62-07470	At least 30 years	Duration of employment plus 30 years
Methylenedianiline	296-62-076	At least 30 years	Duration of employment plus 30 years
Respiratory Protection	296-62-071	At least 30 years	Duration of employment plus 30 years
Vinyl Chloride	296-62-07329	At least 30 years	Duration of employment plus 20 years, or 30 years, whichever is longer



# Sample: Authorization Letter for Release of Medical Information

Use with Employee Medical and Exposure Records, Chapter 296-802 WAC

I, \_\_\_\_\_ (Employee or employee's legal representative)  
hereby authorize \_\_\_\_\_ (Name of employer) to release to  
\_\_\_\_\_ (Individual or organization authorized to receive the medical  
information) the following information from my personal medical records:

\_\_\_\_\_  
(Specify the information to be released)

I give my permission for this medical information to be used only for the following purposes:

\_\_\_\_\_  
(Specify any conditions for release of medical information)

This authorization will expire in 90 days from date of signature unless a shorter period is designated.

Alternate expiration date (less than 90 days) \_\_\_\_\_

\_\_\_\_\_  
Full Name of Employee or Legal Representative

\_\_\_\_\_  
Signature of Employee or Legal Representative

\_\_\_\_\_  
Date of Signature





# Employee Medical and Exposure Records

Chapter 296-802 WAC

## Index

### A

Access to records, **100-1, 400-2-6**

Access orders, **500-2-4**

Agricultural operations, exemption, **100-1**

Analyses and records

access, **400-2**

exemption, **400-2**

keeping, **200-4**

scope of chapter, **100-1**

### C

Chapter application (see scope)

Chest X-ray films, keeping, **200-2**

Collective bargaining process, access to records, **400-1**

Copy of records, **300-2, 400-2, 500-3**

Cost to employees, **400-2**

### D

Definitions, **900-1**

Designated representative

access to records, **400-2-6**

definition, **900-1**

Disposal of records, **600-2**

### E

Employee exposure records  
(see records, exposure)

Employee medical records  
(see records, medical)

Employee rights

access orders, **500-1-4**

access to records, **300-2, 400-2**

disposal of records, **600-2**

Employee written authorization,  
(see written authorization)

Exemptions

agricultural operations, **100-1**

medical records, **200-2**

analyses, **400-2**

Exposure records

(see records, exposure)

### F

First aid, **200-2**

definition, **900-3**

### H

Harmful physical agents, **400-6**

definition, **900-5**

Health insurance claims records, **200-2**

Health care professional, **400-4**

definition, **900-5**

Helpful tool

record retention, **200-4, R-3**

release of medical information, **400-5, R-5**

### I

Identifying

information, **400-5**

records, **400-3**

Inclusion for exposure records, **200-3**

Information, identifying

records, **400-3**

removal, **400-5**

Informing employees, **300-2**

### K

Keeping records

(see records, exposure or medical)

### M

Material safety data sheets, references to other chapters, (see Scope)

Medical and exposure records

(see records, exposure or medical)

### O

Orders, access WISHA, **500-2,3**

Index



<http://www.lni.wa.gov/>

IN-1

07/04

# Employee Medical and Exposure Records

Chapter 296-802 WAC

## Index

### P

Personal identifying information, removal, **400-5, 500-3**  
Physician representation, **400-4**

### R

Recordkeeping  
(see records, exposure or medical)  
Records, exposure (employee)  
    access, **400-2-6**  
    analyses, **200-4, 400-2-6**  
    definition, **900-1**  
    informing employees, **300-2**  
    keeping, **200-3, 4**  
    scope of chapter, **100-1**  
    transfer or disposal, **600-2**  
Records, medical (employee)  
    access, **400-2-6, 500-2-4**  
    analyses, **200-4, 400-2**  
    definition, **900-2**  
    exemption for keeping, **200-2**  
    informing, employees, **300-2**  
    keeping, **200-2**  
    removing, personal identifying information, **400-5**  
    request by WISHA, **500-2**  
    scope of chapter, **100-1**  
    transfer or disposal, **600-2**  
Record retention, helpful tool, **200-4, R-3**  
References, material safety data sheets, in other chapters (see Scope)  
Requesting records and analyses, **400-2**  
Responding to access orders, **500-2**  
Revoking, written authorization, **400-4, 5**  
Reviewing, records, **500-3**

### S

Scope, chapter application, **100-1**  
Specific written authorization, **400-4-6**  
Storing records, **500-3**

### T

Toxic substances, exposure records, **200-3, 400-6**  
Trade secret information  
(see *another chapter*, Protecting Trade Secrets, Chapter 296-816 WAC)  
Transfer or disposal of records, Table 1, **600-2**

### W

WISHA, access orders (see access orders)  
Written authorization, **400-4-6**

### X

X-ray films, chest, **200-2**

# Employee Medical and Exposure Records

Chapter 296-802 WAC

## Index

Index



<http://www.lni.wa.gov/>

**IN-3**

07/04

# Employee Medical and Exposure Records

Chapter 296-802 WAC

## Statutory Authority

296-802-100      Scope.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 04-10-026 (Order 03-04), § 296-802-100, filed 04/27/04, effective 08/01/04.]

296-802-200      Keep employee medical and exposure records.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 04-10-026 (Order 03-04), § 296-802-200, filed 04/27/04, effective 08/01/04.]

296-802-20005    Keep employee medical records.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 04-10-026 (Order 03-04), § 296-802-20005, filed 04/27/04, effective 08/01/04.]

296-802-20010    Keep employee exposure records.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 04-10-026 (Order 03-04), § 296-802-20010, filed 04/27/04, effective 08/01/04.]

296-802-20015    Keep analyses of medical or exposure records.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 04-10-026 (Order 03-04), § 296-802-20015, filed 04/27/04, effective 08/01/04.]

296-802-300      Inform employees about records.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 04-10-026 (Order 03-04), § 296-802-300, filed 04/27/04, effective 08/01/04.]

296-802-30005    Inform current employees about their medical and exposure records.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 04-10-026 (Order 03-04), § 296-802-30005, filed 04/27/04, effective 08/01/04.]

# Employee Medical and Exposure Records

Chapter 296-802 WAC

## Statutory Authority

296-802-400 Provide employees access to records and analyses.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 04-10-026 (Order 03-04), § 296-802-400, filed 04/27/04, effective 08/01/04.]

296-802-40005 Provide access to employee medical records, exposure records, and analyses.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 04-10-026 (Order 03-04), § 296-802-40005, filed 04/27/04, effective 08/01/04.]

296-802-40010 Provide employee medical records.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 04-10-026 (Order 03-04), § 296-802-40010, filed 04/27/04, effective 08/01/04.]

296-802-40015 Provide employee exposure records.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 04-10-026 (Order 03-04), § 296-802-40015, filed 04/27/04, effective 08/01/04.]

296-802-500 Respond to medical record access orders.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 04-10-026 (Order 03-04), § 296-802-500, filed 04/27/04, effective 08/01/04.]

296-802-50005 Respond to WISHA access orders for employee medical records.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 04-10-026 (Order 03-04), § 296-802-50005, filed 04/27/04, effective 08/01/04.]

296-802-50010 Content of WISHA written access orders.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 04-10-026 (Order 03-04), § 296-802-50010, filed 04/27/04, effective 08/01/04.]



# Employee Medical and Exposure Records

Chapter 296-802 WAC

## Statutory Authority

296-802-600      Transfer and disposal of employee records.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 04-10-026 (Order 03-04), § 296-802-600, filed 04/27/04, effective 08/01/04.]

296-802-60005      Transfer or dispose of employee medical and exposure records when you go out of business.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 04-10-026 (Order 03-04), § 296-802-60005, filed 04/27/04, effective 08/01/04.]

296-802-900      Definitions.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 04-10-026 (Order 03-04), § 296-802-900, filed 04/27/04, effective 08/01/04.]

<http://www.lni.wa.gov/>